



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 26, 1996

Mr. Robb Catalano  
Assistant City Attorney  
City of Dallas Municipal Building  
Dallas, Texas 75201

OR96-2231

Dear Mr. Catalano:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102040.

The City of Dallas (the "city") received a request for a copy of the Dallas Police Department's standard operating procedures that pertain to searches and seizures, either with or without a warrant. You state that the documents requested "are records of law enforcement agencies which, if released, would unduly interfere with law enforcement."

Based on your letter to this office, we believe that you are asserting that section 552.108 of the Government Code is applicable.<sup>1</sup> Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution."

You submitted to this office records that are responsive to the request for information, including provisions of the Code of Criminal Procedure.<sup>2</sup> The other documents at issue refer to these CCP provisions, and we assume that some of the search and seizure procedures are based upon this material. Section 552.027(c) of the Government Code provides that a governmental body "shall allow the inspection of

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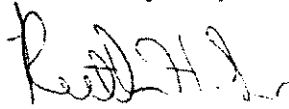
<sup>1</sup>Please note that section 552.301(a) of the Government Code provides that a governmental body must "state the exceptions that apply" to information the governmental body seeks to withhold. In the future, to avoid confusion, you could cite to the appropriate chapter 552 exception to disclosure.

<sup>2</sup>You also submitted to this office blank forms that do not appear to be responsive to the request.

information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of a governmental body." All of the records at issue, except for the copies of the statutes, may be withheld from disclosure under section 552.108. See *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). As provided by section 552.027(c) of the Government Code, the Code of Criminal Procedure provisions must be disclosed to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 102040

Enclosures: Submitted documents

cc: Donald Chambers  
315 Beauty Crest Drive  
Dallas, Texas 75217  
(w/o enclosures)